

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

JS-6

Case No. CV 11-1793 CAS (RZx) Date July 25, 2011

Title JULIO LEMUS; ET AL. v. WELLS FARGO BANK, N.A.; ET AL.

Present: The Honorable CHRISTINA A. SNYDER

CATHERINE JEANG

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (In Chambers:) ORDER DISMISSING ACTION WITH
PREJUDICE**

On November 16, 2009, plaintiffs Julio and Yolanda Lemus filed suit in the Los Angeles County Superior Court against defendants Wells Fargo Bank, N.A (“Wells Fargo”), First American Loanstar Trustee Services, U.S. Bank National Association as trustee for Banc of America Funding Corporation 2006-6 (“U.S. Bank”), and Does 1 through 10. Plaintiffs’ complaint advances five claims for relief: (1) to set aside trustee sale; (2) to cancel trustee’s deed; (3) to quiet title; (4) accounting; and (5) a violation of the Truth in Lending Act, 15 U.S.C. § 1601 et seq. On March 2, 2011, Wells Fargo and U.S. Bank removed the action to this Court on the basis of federal question jurisdiction. See 28 U.S.C. §§ 1331, 1441.

On March 9, 2011, Wells Fargo and U.S. Bank filed a motion to dismiss plaintiffs’ complaint. Plaintiffs failed to timely file and serve an opposition. The Court held a hearing on June 27, 2011, to which plaintiffs did not appear. Accordingly, the Court granted the motion to dismiss plaintiffs’ complaint without prejudice, and directed plaintiffs to file an amended complaint within twenty (20) days after the filing of the June 27, 2011 Order. See Dkt. 14. The Court admonished plaintiffs that in the event they did not file an amended complaint within twenty (20) days, the Court would dismiss the action with prejudice. See id.

Plaintiffs were required to file an amended complaint on or before July 18, 2011, and have not done so. Accordingly, the Court DISMISSES plaintiffs’ action with prejudice.

IT IS SO ORDERED.

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Initials of Preparer

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CMJ